



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1997/NGO/40
14 March 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 9 (d)

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS
AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF
THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

Joint written statement submitted by Caritas Internationalis, the Commission of the Churches on International Affairs of the World Council of Churches and Friends World Committee for Consultation (Quakers), non-governmental organizations in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[7 March 1997]

1. The increasing number of internally displaced persons throughout the world is deeply disturbing. The main causes continue to be internal conflict, ethnic strife, forced relocation, and gross violations of human rights. Many lose their lives or suffer from continuing violence, and forced displacement also breaks up families, cuts important community ties, terminates stable employment, precludes or forecloses formal education opportunities, and deprives vulnerable groups within the society of vital services. The international community must strengthen its efforts to provide assistance and protection to the displaced. The best method of preventing displacement is the strict observance and full realization of human rights.

2. At its fifty-second session, the Commission on Human Rights adopted, without a vote, resolution 1996/52 entitled "Internally displaced persons". 1/ The Commission noted with appreciation the report of the representative of the Secretary-General on internally displaced persons (E/CN.4/1996/52 and Add.1 and 2) and commended him for the activities undertaken so far, in particular his efforts to promote a comprehensive strategy for better protection, assistance and development for internally displaced persons.

3. The resolution also emphasized the need for better implementation of existing international law applicable to internally displaced persons, implicitly recognizing that existing standards provide significant protection to internally displaced persons. The compilation and analysis of legal norms (E/CN.4/1996/52/Add.2, hereafter "the Compilation") indicates that the problem lies primarily in "the unwillingness of States, and/or in non-international conflicts of dissident forces, to observe binding obligations".

4. We regret that the Compilation has yet to be disseminated "widely" as requested, and exists only in English. We welcome the initiative taken by the United Nations High Commissioner for Refugees to produce "A reference manual for UNHCR staff" based on the Compilation.

5. There must be continued support for the development of guiding principles. These will provide further clarity to the legal framework, and could serve as a "compact and usable" document for all those working directly with internally displaced persons.

6. In addressing both the root causes of internal displacement and long-term solutions (including development), particular attention should be given to legal protection for the property-related needs of the internally displaced. No one should be arbitrarily deprived of their property. 2/ There must be a clear recognition of the right to restitution of property lost as a consequence of displacement, or to compensation for its loss.

7. We commend the Governments of Tajikistan and Mozambique for inviting the representative and facilitating his visits in 1996, thus continuing to focus attention on the plight of the internally displaced in particular situations (see E/CN.4/1997/43, Add.1 and 2). We urge other Governments to invite the representative for initial or follow-up visits to their countries.

8. To date, the representative has visited 12 countries during the course of his mandate. 3/ There has not been adequate follow-up to his recommendations and suggestions. Amongst other things, there is a need for:

More action by the Governments of countries visited, in particular to make information publicly available on measures actually taken at a national level, and to cooperate with the United Nations High Commissioner for Human Rights on programmes of advisory services, technical cooperation and monitoring;

A greater commitment of resources by the High Commissioner for Human Rights to programmes which promote the human rights of internally displaced persons, including advisory services, technical cooperation, and monitoring;

A greater commitment to the Task Force on Internally Displaced Persons of the Inter-Agency Standing Committee, in particular by the Department of Humanitarian Affairs which convenes the Task Force, and a concerted and coherent strategy and work plan which ensures effective follow-up measures by the relevant organizations and agencies.

9. We urge the Commission on Human Rights to:

(a) Request the Secretary-General to allocate the necessary resources to publish and disseminate widely the compilation and analysis of legal norms submitted by the representative (E/CN.4/1996/52/Add.2, dated 5 December 1995);

(b) Call upon the representative of the Secretary-General to continue to develop an appropriate framework for the protection of internally displaced persons, in particular guiding principles which will serve as a "compact and usable" document for all those working directly with internally displaced persons;

(c) Recognize the right to restitution of property lost as a consequence of displacement, or to compensation for its loss;

(d) Encourage Governments to invite the representative to visit their countries;

(e) Urge Governments of those States visited by the representative to implement his recommendations and suggestions, to make information publicly available on the measures taken, and to cooperate with the High Commissioner for Human Rights on programmes of advisory services, technical cooperation, and monitoring;

(f) Request the High Commissioner for Human Rights to implement an effective programme of advisory services, technical cooperation and monitoring which ensures the promotion of human rights for internally displaced persons;

(g) Request the Department of Humanitarian Affairs to commit the necessary resources to ensure that the Task Force on Internally Displaced Persons of the Inter-Agency Standing Committee serves as an effective forum for follow-up measures.

Notes

1/ Introduced by Austria, sponsored by Argentina, Australia, Austria, Bulgaria, Canada, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Liechtenstein, the Netherlands, Norway, Peru, Portugal, the Republic of Korea, the Russian Federation, Sweden, and Uruguay.

2/ Universal Declaration of Human Rights, art. 17, para. 2.

3/ Former Yugoslavia, Russian Federation, Somalia, Sudan, El Salvador, Sri Lanka, Colombia, Burundi, Rwanda, Peru, Tajikistan, Mozambique.
